

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

THE OTTER PROJECT and  
ENVIRONMENTAL DEFENSE CENTER,

Plaintiffs,

v.

KEN SALAZAR, ROWAN GOULD,  
UNITED STATES DEPARTMENT OF  
THE INTERIOR, UNITED STATES FISH  
& WILDLIFE SERVICE,

Defendants,

CALIFORNIA SEA URCHIN  
COMMISSION, PETER HALMAY,  
HARRY LIQUORNIK, CALIFORNIA  
ABALONE ASSOCIATION, SONOMA  
COUNTY ABALONE NETWORK,

Intervenor-Defendants.

No. C 09-4610 JW

**STIPULATION AND [PROPOSED]  
ORDER ESTABLISHING BRIEFING  
SCHEDULE AND REFERRING CASE  
TO JUDGE LAPORTE FOR  
SETTLEMENT CONFERENCE**

Pursuant to Civil L.R. 7-12 this Stipulation is entered into by and between Plaintiffs, The Otter Project and Environmental Defense Center, Federal Defendants, Ken Salazar, Secretary of the United States Department of the Interior, Rowan Gould, Acting Director of the U.S. Fish & Wildlife Service, and the California Sea Urchin Commission, Peter Halmay, Harry Liquornik, California Abalone Association, Sonoma County Abalone Network, Intervenor-Defendants.

Stipulation re: Briefing Schedule  
and Settlement Conference

1 Wildlife Service, the United States Department of the Interior, and the United States Fish &  
2 Wildlife Service, and Intervenor-Defendants, California Sea Urchin Commission, Peter Halmay,  
3 Harry Liquornik, California Abalone Association, and Sonoma County Abalone Network.

4 WHEREAS, on May 20, 2010, the Court entered a Scheduling Order in this matter (Doc.  
5 No. 49);

6 WHEREAS, the Scheduling Order establishes dates for completion of briefing and  
7 hearing the parties' cross-motions for summary judgment, but does not establish a briefing  
8 schedule;

9 WHEREAS, the parties have agreed to a briefing schedule consistent with the Scheduling  
10 Order;

11 WHEREAS, the parties have participated in two conference calls with the Alternative  
12 Dispute Resolution ("ADR") program, and have agreed that a Settlement Conference before a  
13 magistrate judge may aid resolution of this matter;

14  
15 NOW, THEREFORE, the parties stipulate as follows:

- 16 1. Defendants shall file and serve the Administrative Record on or before August 16, 2010.
  - 17 2. Plaintiffs or Intervenor-Defendants shall file any motion challenging the contents of the  
18 Administrative Record on or before September 14, 2010. The filing of such a motion  
19 shall vacate any summary-judgment briefing and hearing schedule.
  - 20 3. The parties shall file their motions for summary judgment on or before September 17,  
21 2010.
  - 22 4. The parties shall file oppositions to motions for summary judgment by October 8, 2010.
  - 23 5. The parties shall file summary-judgment replies by October 22, 2010.
  - 24 6. The Court finds good cause to refer this case to Magistrate Judge Laporte for a  
25 Settlement Conference. On or before **July 2, 2010**, the parties shall contact Judge Laporte's  
26 Chambers to schedule their settlement conference.
- 27  
28

/s/ Brian Segee (by LEF, as authorized 6/18/10)

Linda J. Krop (Cal. Bar. No. 118773)  
Brian Segee (Cal. Bar No. 200795)  
Environmental Defense Center  
906 Garden Street  
Santa Barbara, CA 93101  
Tel: (805) 963-1622  
Fax: (805) 962-3152  
email: bsegee@edcnet.org, lkop@edcnet.org

Attorneys for Plaintiffs

IGNACIA S. MORENO, Asst. Attorney General  
JEAN E. WILLIAMS, Section Chief

/s/ Lawson E. Fite

LAWSON E. FITE, Trial Attorney  
Oregon Bar No. 055573  
U.S. Department of Justice  
Environment & Natural Resources Division  
Wildlife & Marine Resources Section  
Ben Franklin Station  
P.O. Box 7369  
Washington, DC 20044-7369  
Phone: (202) 305-0217  
Fax: (202) 305-0275  
Email: lawson.fite@usdoj.gov

Attorneys for Federal Defendants

/s/ George J. Mannina, Jr. (by LEF, as  
authorized 6/18/10)


George J. Mannina, Jr. (D.C. Bar No. 316943)  
*Pro hac vice*  
NOSSAMAN LLP  
1666 K St., N.W., Suite 500  
Washington, D.C. 20006  
(202) 887-1400  
Fax: (202) 466-3215

gmannina@nossaman.com

Attorneys for Intervenor-Defendants

PURSUANT TO STIPULATION, IT IS SO ORDERED AS **MODIFIED**.

Dated: June 25, 2010

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge